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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,733	08/14/2001	Matthew Edward Volpenhein	8206M	9024

27752 7590 11/17/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,733

Applicant(s)

VOLPENHEIN ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-42 is/are pending in the application.
- 4a) Of the above claim(s) 29-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on August 23, 2005.
2. Claims 1-7, 10-42 are pending. Claims 29-39 have been withdrawn from consideration.
3. The objection to Figures 18, 19 and 20 is withdrawn in view of Applicants' submission of a replacement sheet for these figures.
4. The rejection of claims 10-27 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicants' amendment.
5. The rejection of claims 1-4, 7, 10-19, 22-28 under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (WO 98/44185), hereinafter "Rogers" is withdrawn in view of Applicants' amendment.
6. The rejection of claims 5-6, 20, 21 and 40 under 35 U.S.C. 103(a) as being unpatentable over Rogers as applied to the above claims is withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 112

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 7 recites the limitation "the coversheet" in 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-7, 10-28, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Edwards et al. (US Patent No. 4,076,633), hereinafter "Edwards".

Rogers teaches an article for treating fabrics in a clothes dryer which comprises: a) an absorbent carrier substrate; b) a liquid cleaning/refreshment composition releasably absorbed in said substrate; said substrate being wholly or partly covered by (c) a fibrous coversheet having a minimum thickness (uncompressed) of about 8 mils (0.2 mm) (see abstract). The coversheets are constructed from hydrophobic fibers (see page 5, last paragraph) such as polyethylene or nylon (see page 6, lines 5, 19-22) and can be ring rolled or crimped to provide three dimensional bulk (see page 6, second line from last). In Example 1, Rogers teaches a carrier sheet of HYDRASPUN®, which is a blend of cellulosic, rayon, polyester and optional bicomponent fibers (see page 9, lines 3-7), covered on both sides with a topsheet and a bottomsheets of 8 mil Reemay fabric coversheet material, into which is poured a liquid fabric cleaning/refreshment product comprising water and an ethoxylated nonionic surfactant, wherein holes are punched in the carrier sheet in order to minimize its tendency to re-fold in-use (see page 42, last four lines; entire page 43). Rogers, however, fails to specifically disclose (1) a multiply substrate as those

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recited (2) the carrier sheet being prepared by the recited technology in claims 5-6, and (3) the coversheet comprising ink, paint or consumer signal component.

Edwards teaches a similar softening article which is adapted for use in an automatic clothes dryer (see abstract) which comprises a substrate that has 2 or three plies as those recited (see col. 8, lines 7-41; col. 21, lines 15-22; Example II in cols. 23-24), and which articles provide softness and ease of ironing to fabrics treated therewith.

With respect to difference (1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the sheet or coversheet of Rogers with a multiply substrate because said substrate provide softness and ease of ironing to fabrics as taught by Edwards.

With respect to difference (2), it should be noted that the present claims are product-by-process claims, hence, any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

With respect to difference (3), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate consumer signal in the form of ink or paint in the coversheet of Rogers because every article of commerce is provided with an indicia in these forms.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

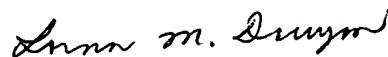
11. This application contains claims 29-39 drawn to an invention nonelected without traverse in the office action dated 1/29/04. **A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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